

**Amendment No. 1 to HB0179**

**Armstrong**  
**Signature of Sponsor**

**AMEND Senate Bill No. 292**

**House Bill No. 179\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting the amendatory language of SECTION 1 and by substituting instead the following:

(D) Skilled nursing care and physical, occupational, or speech therapy provided through the division of mental retardation services, department of mental health and developmental disabilities, to individuals in conformity with an individualized plan, and which is developed in compliance with standards of the division, are not "home health services" for purposes of these chapters. This exception to the definition to "home health services" applies only to the following circumstances:

(i) To services provided to persons formerly institutionalized at a state-owned facility who receive care from a licensed health care professional, which licensed health care professional provided care to the person while institutionalized or who receives care from a licensed nurse or occupational physical or speech therapist employed by the division; provided, nurses and therapists who contracted with the division during 2000-2001 fiscal year and will contract with the division during the 2001-2002 fiscal year may continue to provide services; or

(ii) The division makes a determination that there are not adequate resources available through licensed home health agencies. No such determination shall be made unless the division complies with all of the following:

(a) The division shall give notice to all home health agencies that are registered participants in divisional programs and that are licensed in the area in which services are proposed to be provided;

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(b) The notice shall state that the division proposes to provide skilled nursing care, or physical, occupational, or speech therapy to one (1) or more persons residing in the defined geographic area;

(c) The notice shall state the rates of reimbursement and other terms and conditions for providing such services, and that the division will contract directly with nurses or therapists if adequate resources are not available through home health agencies within thirty (30) days of the date of the notice; and

(d) After complying with the preceding notice requirements, the division may contract directly with nurses or therapists if adequate resources are not available through licensed home health agencies.

The time period for determining availability of adequate resources through home health agencies as described above shall comply with court orders relative to the provision of services to persons with mental retardation; and

AND FURTHER AMEND by deleting the period at the end of SECTION 2 and substituting instead a comma and the following language: "and shall expire on June 30, 2002."